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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,171	06/08/1999	BRENT K. PARRISH	062891.0284	6443

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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/328,171

Applicant(s)

PARRISH ET AL.

Examiner

Duc T. Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-18, 20, 21, 23-26, 28-31 and 33-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 7-12, 20, 21, 23-26, 28-31, 33-38, 45-54 and 66 is/are allowed.
- 6) ☒ Claim(s) 13-16, 39-42, 55-58 and 61-64 is/are rejected.
- 7) ☒ Claim(s) 17, 18, 43, 44, 59, 60 and 65 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. In response to the amendment filed on October 23, 2002, claims 1, 6, 19, 22, 27, and 32 are canceled and claims 2-5, 7-18, 20, 21, 23-26, 28-31, and 33-66 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13, 14, 16, 39, 40, 42, 55, 56, 58, 61, 62, and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Takase et al (U.S. Patent 5,612,959).

Regarding to claims 13, 39, 55, and 61, Takase et al discloses a telecommunications device (Fig. 1), comprising a local area network 12 (col. 5 lines 22-25), a plurality of receivers and sender (col. 5 lines 25-27) coupled to the network that's operable to generate a message packet 120 (Fig. 12 col. 9 lines 51-55) comprising a destination code (destination address) and a data packet (database query request), the destination code having values for a plurality of positions (121, 123, 125), each position corresponding to a particular receiver (database), the sender operable to identify one or more receivers for the data packet according to the values of the positions corresponding to the receivers, the sender operable to communicate the data packet to the identified receivers (col. 9 lines 55-65).

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Regarding to claims 14, 40, 56, and 62, Takase discloses the device is a switching unit (col. 11 lines 37-42, Takase suggest the device provided with switch function) comprising a backplane (well known in the art) and the network comprises a control bus (Fig. 8 col. 8 lines 18-21).

Regarding to claims 16, 42, 58, and 64, Takase discloses the sender is operable to communicate the data packet to one or more identified receivers as a multi-cast message according to the destination code (col. 6 lines 8-11).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 41, 57, and 63 rejected under 35 U.S.C. 103(a) as being unpatentable over Takase in view of Rothschild et al (U.S. Patent 5,822,523).

Regarding to claims 15, 41, 57, and 63, Takase discloses all the limitation with respect to independent claims 13, 39, 55, and 61, except for the message packet is a physical layer message packet and the data packet comprises a message packet associated with a higher level protocol comprising Internet Protocol IP, Transmission Control Protocol TCP, or User Datagram Protocol UDP.

However, Rothschild discloses a computer network system for transmission and routing of packets using IP, TCP, or UDP (col. 3 lines 24-52).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of invention, to includes the higher level protocols as taught by Rothschild in Takase's system since these protocols are well know in the art to be used for communication across the Internet.

***Allowable Subject Matter***

6. Claims 17, 18, 43, 44, 59, 60, and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 2-5, 7-12, 20, 21, 23-26, 28-31, 33-38, 45-54, and 66 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step or means for "the first and second values of the arbitration code comprising one of first and second message priority code values; a first message priority code value and a second sender address value; and first and second sender address values", especially when such first and second values of the arbitration code are considered within the specific structure recited in claims 7, 23, 33, 45, and 66. The prior art of record fails to teach or make obvious the step or means for "a sender coupled to the network and operable to generate a message packet comprising an arbitration code and a data packet, the sender operable to communicate a first value of the arbitration code using the network value and to determine a network value, the sender operable to compare the first value with the network value to determine whether sender may communicate the data packet using the network" and "a plurality of receivers also coupled to the network, the

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message packet further comprising a destination code having values for plurality of positions, each position corresponding to a particular receiver, the sender identifying one or more receivers for the message packet according to the values of the positions corresponding to the receivers", especially when such sender and receiver are considered within the specific structure recited in claims 10, 36, and 52. The prior art of record fails to teach or make obvious the step or means for "an arbitration code comprising a message priority code and a sender address, a first value of the arbitration code operable to be communicated using the network and to be compared with a network value to determine whether the sender may communicate the data packet to the receiver using the network" and "a destination code having values for plurality of positions, each position corresponding to a particular receiver, the values of the positions identifying one or more receivers for the data packet", especially when arbitration and destination codes are considered within the specific structure recited in claim 25.

### ***Conclusion***

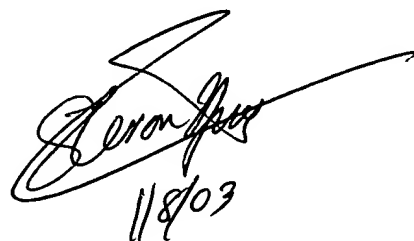
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD

January 3, 2003

  
1/8/03